

# CITY OF ROCKPORT

## MINUTES

### CITY COUNCIL REGULAR MEETING 6:30 p.m., Tuesday, August 22, 2017 Rockport City Hall, 622 East Market Street

On the 22<sup>nd</sup> day of August 2017, the City Council of the City of Rockport, Aransas County, Texas, convened in Regular Session at 6:30 p.m., at the regular meeting place in City Hall, and notice of meeting giving time, place, date and subject was posted as described in V.T.C.A., Government Code § 551.041.

#### CITY COUNCIL MEMBERS PRESENT

#### CITY COUNCIL MEMBER(S) ABSENT

Mayor Charles J. Wax  
Mayor Pro-Tem Pat Rios, Ward 3  
Council Member Rusty Day, Ward 1  
Council Member J. D. Villa, Ward 2  
Council Member Barbara Gurtner, Ward 4

#### PLANNING & ZONING COMMISSION MEMBERS PRESENT

#### STAFF MEMBERS PRESENT

#### ELECTED OFFICIALS PRESENT

City Manager Kevin Carruth  
City Secretary Teresa Valdez  
City Attorney Terry Baiamonte  
Police Chief Tim Jayroe  
Parks & Leisure Services Director Rick Martinez  
Finance Director Patty Howard  
Community Planner Amanda Torres

#### Opening Agenda

##### **1. Call to Order.**

With a quorum of the Council Members present, the Regular Meeting of the Rockport City Council was called to order by Mayor Wax at 6:32 p.m. on Tuesday, August 22, 2017, in the Council Chambers of the Rockport City Hall, 622 E. Market Street, Rockport, Texas.

##### **2. Pledge of Allegiance.**

Mayor Pro-Tem Rios led the Pledge of Allegiance to the U.S. flag.

### **3. Citizens to be heard.**

At this time, comments will be taken from the audience on any subject matter that is not on the agenda. To address the Council, please sign the speaker's card located on the table outside the Council Chamber and deliver to the City Secretary before the meeting begins. Please limit comments to three (3) minutes. In accordance with the Open Meetings Act, Council may not discuss or take any action on any item that has not been posted on the agenda. It is the prerogative of the Chair to limit or otherwise restrict commenters if comments are discourteous, inappropriate, repetitive, or uncivil.

Danado Saltarelli, 103 Lee Circle, addressed the Council. Mr. Saltarelli stated he was the Nursing Director and Manager for the new Code 3 facility in Rockport. Mr. Saltarelli said he has been hearing rumors about the Code 3 facility and he wanted to distribute correct information. Mr. Saltarelli distributed a Code 3 ER & Urgent Care Information sheet to the Council. Mr. Saltarelli added that if anyone has any questions they should telephone him.

Dr. Justin Hensley, 400 Enterprise Boulevard, addressed the Council. Dr. Hensley stated he is the Medical Director for the Code 3 facility. Dr. Hensley said they had planned on a medical inspection of the facility for tomorrow, but due to Hurricane Harvey heading this direction, and the inspection company changing names, the facility cannot get licensed until September. Dr. Hensley added that the facility is going to shift to 24-hour emergency care and they are going to meet with the emergency operations center to part of that in the community.

Amelia Saltarelli, 103 Lee Circle, addressed the Council. Ms. Saltarelli stated she was addressing the Council as a citizen who is involved in the community. Ms. Saltarelli said she has been hearing that people are excited to have emergency care in Rockport, but it is her understanding as a non-medical person, anyone involved in medical care is not sharing that idea. Ms. Saltarelli expressed this was very disappointing to her and it was her hope that the Council could help bring the medical community together by getting actively involved to work out the differences and bring them back to the reason they chose the medical field as a career.

### **Consent Agenda**

All consent agenda items listed are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council Member so requests, in which event the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

- 4. Deliberate and act on approval of City Council Budget Workshop Meeting Minutes of July 27 and 31, 2017, and Regular Meeting Minutes of August 8, 2017.**
- 5. Deliberate and act on request by Treasure Street residents for temporary closure of 101-118 Treasure Street on October 31, 2017, from 4:15 p.m. to 9:00 p.m. for a Halloween event for children.**
- 6. Deliberate and act on approval of a Resolution supporting submission of a Texas Community Development Block Grant application to the Texas Department of Agriculture for the Colonia Construction Fund by Aransas County for water and sewer improvements in the Bellevue/Guy Epps Colonia and the Doughty & Mathis Colonia in the City's Extraterritorial Jurisdiction (ETJ); and authorizing the City Manager to**

**act as the executive officer and authorized representative in all matters pertaining to participation in the Community Development Block Grant Program.**

- 7. Deliberate and act on approval of Resolution supporting submission of a Texas Community Development Block Grant application to the Texas Department of Agriculture for the Colonia Construction Fund by Aransas County for sewer improvements in the Doughty & Mathis Colonia in the City's Extraterritorial Jurisdiction (ETJ); and authorizing the City Manager to act as the executive officer and authorized representative in all matters pertaining to participation in the Community Development Block Grant Program.**

Mayor Wax called for requests to remove any item from the Consent Agenda for separate discussion.

**MOTION:** Council Member Villa moved to approve the Consent Agenda as presented. Mayor Pro-Tem Rios seconded the motion. Motion carried unanimously.

### **Public Hearings**

Mayor Wax stated there was not a quorum of the Planning & Zoning Commission present for the Joint Public Hearing, but he was going to accept public comments.

#### **8. Call to Order – Rockport Planning & Zoning Commission.**

A quorum of the Rockport Planning & Zoning Commission was not present so the Commission was not called to order.

- 9. Conduct a Joint Public Hearing with the Planning & Zoning Commission to consider a request to rezone to B-1 (General Business District) to allow current use of offices at 1102 E. Laurel Street; also known as Lots 13-16, Block 44, Smith and Wood Division, Rockport, Aransas County, Texas, currently zoned R-1 (1<sup>st</sup> Single Family Dwelling District).**

There were no public comments.

Mayor Wax stated the Planning & Zoning Commission will consider this item at the August 28, 2017, 5:30 p.m. meeting.

#### **10. Adjourn – Rockport Planning & Zoning Commission.**

The meeting was not called to order so there was no adjournment.

### **Regular Agenda**

- 11. Deliberate and act on second and final reading of a proposed Ordinance amending the City of Rockport Code of Ordinances Chapter 102 "Utilities," Article III, Wastewater Service," Division 4, "Service Charges" by amending wastewater rates for all customers, providing for the validity of said Ordinance; repealing all prior ordinances**

**in conflict herewith; and providing for an effective date.**

Mayor Wax said there had been no changes in content or format since the first reading of the Ordinance at the August 8, 2017, Council meeting.

**MOTION:** Council Member Villa moved to approve the second and final reading of an Ordinance amending the City of Rockport Code of Ordinances Chapter 102 “Utilities,” Article III, Wastewater Service,” Division 4, “Service Charges” by amending wastewater rates for all customers; providing for the validity of said Ordinance; repealing all prior ordinances in conflict herewith; and providing for an effective date. Council Member Day seconded the motion. Motion carried unanimously.

**12. Deliberate and act on second and final reading of an Ordinance amending the Official Zoning Map as stipulated under Article 4.1 of the City of Rockport Zoning Ordinance Number 1027 by changing the zoning of land from R-1 (1<sup>st</sup> Single Family Dwelling District) to B-1 (General Business District) and granting a Conditional Use Permit for property located at 684-750 and 760-818 State Highway 35 Bypass; for the purpose of developing a RV resort and boat/RV storage; with no conditions other than those stipulated under Articles 15 and 23, Rockport Zoning Ordinance Number 1027; repealing all ordinances in conflict therewith; providing for severability; and providing an effective date.**

Mayor Wax stated there had been no changes in format or content since the first reading of the Ordinance at the August 8, 2017, Council meeting.

**MOTION:** Mayor Pro-Tem Rios moved to approved the second and final reading of an Ordinance amending the Official Zoning Map as stipulated under Article 4.1 of the City of Rockport Zoning Ordinance Number 1027 by changing the zoning of land from R-1 (1s Single Family Dwelling District) to B-1 (General Business District) and granting a Conditional Use Permit for property located at 684-750 and 760-818 State Highway 35 Bypass; for the purpose of developing a RV resort and boat/RV storage; with no conditions other than those stipulated under Articles 15 and 23, Rockport Zoning Ordinance Number 1027; repealing all ordinances in conflict therewith; providing for severability; and providing an effective date. Council Member Gurtner seconded the motion. Motion carried unanimously.

**13. Deliberate and act on second and final reading of an Ordinance amending the Official Zoning Map as stipulated under Article 4.1 of the City of Rockport Zoning Ordinance Number 1027 by changing the zoning of land from R-1 (1<sup>st</sup> Single Family Dwelling District) to B-1 (General Business District) for property located at 1622 West Twelfth Street; also known as Lot 40, Block 252, Swickheimer Subdivision (7.603 acres), Rockport, Aransas County, Texas, to allow development of boat storage barns; repealing all ordinances in conflict therewith; providing for severability; and providing an effective date.**

Mayor Wax stated there had been no changes in format or content since the first reading of the Ordinance at the August 8, 2017, Council meeting.

**MOTION:** Council Member Villa moved to approve the second and final reading of an Ordinance amending the Official Zoning Map as stipulated under Article 4.1 of the City of Rockport Zoning Ordinance Number 1027 by changing the zoning of land from R-1 (1<sup>st</sup> Single Family Dwelling District) to B-1 (General Business District) for property located at 1622 West Twelfth Street; also known as Lot 40, Block 252, Swickheimer Subdivision (7.603 acres), Rockport, Aransas County, Texas, to allow development of boat storage barns; repealing all ordinances in conflict therewith; providing for severability; and providing an effective date. Council Member Day seconded the motion. Motion carried unanimously.

- 14. Deliberate and act on second and final reading of an Ordinance amending the Official Zoning Map as stipulated under Article 4.1 of the City of Rockport Zoning Ordinance Number 1027 by changing the zoning of land from R-1 (1<sup>st</sup> Single Family Dwelling District) to B-1 (General Business District) for property located at 2222-2352 FM 2165; being 6 acres of land out of a 152.735 acre tract, out of the George K. Taggart, III, Trustee 1108.79 acre tract, T.T. Williamson Survey A-219, Aransas County, Texas, and being a portion of the same property deeded by E.M. Spencer to George K. Taggart, III, Trustee in Volume 248, Pages 363-426, Deed Records, Aransas County, Texas, and being part of the same 152.735 acre tract, as described in deed of record Clerk's File Number 274313, Official Public Records of Aransas County, Texas, to allow development of resale on properties; repealing all ordinances in conflict therewith; providing for severability; and providing an effective date.**

Mayor Wax stated there had been no changes in format or content since the first reading of the Ordinance at the August 8, 2017, Council meeting.

**MOTION:** Council Member Gurtner moved to approve the second and final reading of an Ordinance amending the Official Zoning Map as stipulated under Article 4.1 of the City of Rockport Zoning Ordinance Number 1027 by changing the zoning of land from R-1 (1<sup>st</sup> Single Family Dwelling District) to B-1 (General Business District) for property located at 2222-2352 FM 2165; being 6 acres of land out of a 152.735 acre tract, out of the George K. Taggart, III, Trustee 1108.79 acre tract, T.T. Williamson Survey A-219, Aransas County, Texas, and being a portion of the same property deeded by E.M. Spencer to George K. Taggart, III, Trustee in Volume 248, Pages 363-426, Deed Records, Aransas County, Texas, and being part of the same 152.735 acre tract, as described in deed of record Clerk's File Number 274313, Official Public Records of Aransas County, Texas, to allow development of resale on properties; repealing all ordinances in conflict therewith; providing for severability; and providing an effective date. Mayor Pro-Tem Rios seconded the motion. Motion carried unanimously.

- 15. Deliberate and act on second and final reading of an Ordinance amending the Official Zoning Map as stipulated under Article 4.1 of the City of Rockport Zoning Ordinance Number 1027 by changing the zoning of land from R-1 (1<sup>st</sup> Single Family Dwelling District) to R-6 (Hotel/Motel District) for property located at 3301-3401 State Highway 35 Bypass; also known as 26.67 acres of land out of a 152.735 acre tract, out of the George K. Taggart, III, Trustee 1108.79 acre tract, T.T. Williamson Survey A-219, Aransas County, Texas, and being a portion of the same property deeded by E.M. Spencer to George K. Taggart, III, Trustee in Volume 248, Pages 363-426, Deed Records of Aransas County, Texas, and being part of the**

**same 152.735 acre tract, as described in Deed of record Clerk's File Number 274313, Official Public Records of Aransas County, Texas, to allow the development of an apartment complex; repealing all ordinances in conflict therewith; providing for severability; and providing an effective date.**

Mayor Wax stated there had been no changes in format or content since the first reading of the Ordinance at the August 8, 2017, Council meeting.

**MOTION:** Council Member Gurtner moved to approve the second and final reading of an Ordinance amending the Official Zoning Map as stipulated under Article 4.1 of the City of Rockport Zoning Ordinance Number 1027 by changing the zoning of land from R-1 (1<sup>st</sup> Single Family Dwelling District) to R-6 (Hotel/Motel District) for property located at 3301-3401 State Highway 35 Bypass; also known as 26.67 acres of land out of a 152.735 acre tract, out of the George K. Taggart, III, Trustee 1108.79 acre tract, T.T. Williamson Survey A-219, Aransas County, Texas, and being a portion of the same property deeded by E.M. Spencer to George K. Taggart, III, Trustee in Volume 248, Pages 363-426, Deed Records, Aransas County, Texas, and being part of the same 152.735 acre tract, as described in Deed of Record Clerk's File Number 274313, Official Public Records of Aransas County, Texas, to allow development of an apartment complex; repealing all ordinances in conflict therewith; providing for severability; and providing an effective date. Council Member Day seconded the motion. Motion carried unanimously.

**16. Deliberate and act on second and final reading of an Ordinance of the City of Rockport, Texas, providing for the annexation into the City of Rockport, Aransas County, Texas, of the hereinafter described territory located adjacent to the City's corporate limits within the extraterritorial jurisdiction of the City and not being a part of any incorporated area; extending the boundary limits of the City so as to include the territory consisting of approximately 23 acres of land, more or less, out of a portion of the T.T. Williamson Survey A-221, and the J.W. Paup Survey A-179, into the City's municipal limits, for all purposes; providing for related annexation services plans; repealing conflicting ordinances and resolutions; including a severability clause; granting to all the inhabitants of the annexed territory all the rights and privileges of other citizens and binding the inhabitants by all of the acts, ordinances, resolutions, and regulations of the City; and establishing an effective date.**

Mayor Wax stated there had been no changes in format or content since the first reading of the Ordinance at the August 8, 2017, Council meeting. Mayor Wax said this is a portion of the area known as Annexation Area "D".

**MOTION:** Council Member Gurtner moved to approve the second and final reading of an Ordinance of the City of Rockport, Texas, providing for the annexation into the City of Rockport, Aransas County, Texas, of the hereinafter described territory located adjacent to the City's corporate limits within the extraterritorial jurisdiction of the City and not being a part of any incorporated area; extending the boundary limits of the City so as to include the territory consisting of approximately 23 acres of land, more or less, out of a portion of the T.T. Williamson Survey A-221, and the J.W. Paup Survey A-179, into the City's municipal limits, for all purposes; providing for related annexation services plans; repealing conflicting ordinances and resolutions; including a severability clause; granting to all the inhabitants of the annexed territory all the

rights and privileges of other citizens and binding the inhabitants by all of the acts, ordinances, resolutions, and regulations of the City; and establishing an effective date. Mayor Pro-Tem Rios seconded the motion. Motion carried: 4:1.

FOR MOTION: Council Member Day, Mayor Pro-Tem Rios, Council Member Gurtner and Mayor Wax.

AGAINST MOTION: Council Member Villa.

- 17. Deliberate and act on second and final reading of an Ordinance of the City of Rockport, Texas, providing for the annexation into the City of Rockport, Aransas County, Texas, of the hereinafter described territory located adjacent to the City's corporate limits within the extraterritorial jurisdiction of the City and not being a part of any incorporated area; extending the boundary limits of the City so as to include the territory consisting of approximately 38 acres of land, more or less, along Ann Street between Litron Street and 128 feet east of Pearl Street, being out of a portion of the T.T. Williamson Survey A-221, into the City's municipal limits, for all purposes; providing for related annexation services plans; repealing conflicting ordinances and resolutions; including a severability clause; granting to all the inhabitants of the annexed territory all the rights and privileges of other citizens and binding the inhabitants by all of the acts, ordinances, resolutions, and regulations of the City; and establishing an effective date.**

Mayor Wax stated there had been no changes in format or content since the first reading of the Ordinance at the August 8, 2017, Council meeting.

**MOTION:** Council Member Day moved to approve the second and final reading of an Ordinance of the City of Rockport, Texas, providing for the annexation into the City of Rockport, Aransas County, Texas, of the hereinafter described territory located adjacent to the City's corporate limits within the extraterritorial jurisdiction of the City and not being a part of any incorporated area; extending the boundary limits of the City so as to include the territory consisting of approximately 38 acres of land, more or less, along Ann Street between Litron Street and 128 feet east of Pearl Street, being out of a portion of the T.T. Williamson Survey A-221, into the City's municipal limits, for all purposes; providing for related annexation services plans; repealing conflicting ordinances and resolutions; including a severability clause; granting to all the inhabitants of the annexed territory all the rights and privileges of other citizens and binding the inhabitants by all of the acts, ordinances, resolutions, and regulations of the City; and establishing an effective date. Mayor Pro-Tem Rios seconded the motion. Motion carried 4:1.

FOR MOTION: Council Member Day, Mayor Pro-Tem Rios, Council Member Gurtner and Mayor Wax.

AGAINST MOTION: Council Member Villa.

## **18. Reports from Council.**

At this time, the City Council will report/update on all committee assignments, which may include the following: Aransas Pathways Steering Committee, Building and Standards Commission; Coastal Bend Bays and Estuaries Program; Coastal Bend Council of Government; Parks & Leisure Services Advisory Board; Planning & Zoning Commission; Rockport Heritage Board; Rockport-Fulton Chamber of Commerce; Aransas County Storm Water Management Advisory Committee; Swimming Pool Operations Advisory Committee; Tourism Development Council; Tree & Landscape Committee; YMCA Development Committee; Texas Maritime Museum; Fulton Mansion; Rockport Center for the Arts; Aransas County; Aransas County Independent School District; Aransas

County Navigation District; Town of Fulton; and Texas Municipal League. No formal action can be taken on these items at this time.

Mayor Wax announced he had received a letter today from the Government Finance Officers Association notifying him that the City's comprehensive annual financial report for the fiscal year ending September 30, 2016, qualifies for a Certificate of Achievement for Excellence in Financial Reporting. Mayor Wax stated this is the 14<sup>th</sup> consecutive year that the City has received this award. Mayor Wax extended congratulations to Finance Director Patty Howard and thanked City Manager Kevin Carruth for his leadership and the department managers for execution of the budget. Mayor Wax expressed that the City of Rockport has one of the finest finance officers working in the State of Texas and there are very few cities that have received 14 consecutive certificates of achievement for excellence in financial reporting.

Mayor Wax stated that at 10:00 a.m. tomorrow morning there will be a teleconference at the emergency operations center for an update on Hurricane Harvey. Mayor Wax added that information will be distributed through the City's website and the Chamber of Commerce.

Council Member Day stated he will be taking a vacation at the end of October to visit friends in Colorado.

Mayor Pro-Tem Rios stated he attended the Chamber of Commerce Board Retreat. Mayor Pro-Tem Rios said the speaker was very dynamic and there was a good exchange of information.

Council Member Gurtner stated she had attended the Aransas County Navigation District meeting on Monday. Council Member Gurtner said testing of Little Bay waters will begin in January and continue for one year, with monthly updates and quarterly reports being provided.

### **Executive Session**

**City Council will hold an executive session pursuant to the provisions of Chapter 551 of the Texas Government Code, in accordance with the authority contained in:**

- 19. Section 551.072 Deliberations about Real Property: Purchase, exchange, lease, or value of real property.**
- 20. Section 551.071(1)(A) Consultation with Attorney: Pending or contemplated litigation - Bay Education Center.**
- 21. Section 551.071(2) Consultation with Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter.**

At 6:56 p.m., Mayor Wax convened the Rockport City Council into an executive session pursuant to provisions of Chapter 551 of the Texas Government Code, in accordance with the authority contained in Section 551.072 Deliberations about Real Property: Purchase, exchange, lease, or value of real property; Section 551.071(1)(A) Consultation with Attorney: Pending or contemplated litigation - Bay Education Center; and Section 551.071(2) Consultation with Attorney on a matter in which the duty of the attorney to the governmental body under the Texas



Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter.

**Open Session**

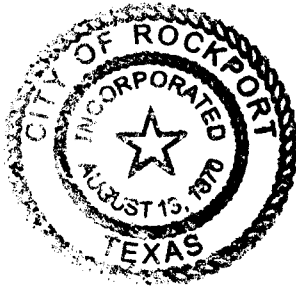
**City Council will reconvene into open session pursuant to the provisions of Chapter 551 of the Texas Government Code to take any actions necessary related to the executive sessions noted herein, or regular agenda items, noted above, and/or related items.**

At 7:54 p.m., Mayor Wax reconvened the Rockport City Council into open session pursuant to the provisions of Chapter 551 of the Texas Government Code to take any necessary actions related to the executive sessions noted herein, or regular agenda items, noted above, and/or related items.

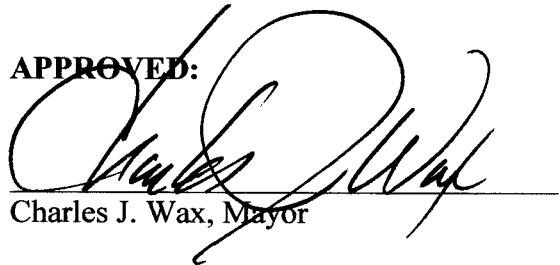
No action was taken.

**22. Adjournment**

At 7:55 p.m., Council Member Villa moved to adjourn. Motion was seconded by Mayor Pro-Tem Rios. Motion carried unanimously.



APPROVED:

  
Charles J. Wax, Mayor

ATTEST:

  
Teresa Valdez, City Secretary